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Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER FISHER, PAUL R	
			ART UNIT 3689	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/708,542	Applicant(s) BARANOWSKI ET AL.	
	Examiner PAUL R. FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/13/2009 and 3/4/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Amendment submitted on April 24, 2009 has been acknowledged. Claims 7-9 have been canceled. Claims 20-22 have been added. Claims 1-6 and 10-22 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6 and 10-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly recited limitations found in claim 1, “wherein the travel history database is configured to store past travel information derived from a plurality of travelers and negotiated contractual terms from a travel service supplier, wherein the negotiated contractual terms relate to travel use comprising a travel threshold”, contain material, specifically “travel threshold” which can not be found in the applicant’s specification or any of the previous claim sets, since it would not be clear to one of

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ordinary skill in the art what a "travel threshold" is, this material is considered by the Examiner to be new matter.

In claim 4, the newly recited limitation of "past travel information derived from a plurality of travelers and negotiated contractual terms from a travel provider, wherein the negotiated contractual terms relate to travel use comprising a travel threshold," contain material, specifically "travel threshold" which can not be found in the applicant's specification or any of the previous claim sets, since it would not be clear to one of ordinary skill in the art what a "travel threshold" is, this material is considered by the Examiner to be new matter.

In claim 10, the newly recited limitation, "past travel information derived from a plurality of travelers and negotiated contractual terms from a travel provider, wherein the negotiated contractual terms relate to travel use comprising a travel threshold," contain material, specifically "travel threshold" which can not be found in the applicant's specification or any of the previous claim sets, since it would not be clear to one of ordinary skill in the art what a "travel threshold" is, this material is considered by the Examiner to be new matter.

In claims 20-22, the newly recited claim language "where said negotiated contractual terms further comprise at least one of a minimum travel purchase threshold, a minimum travel trip threshold or a travel goal," contain material, specifically "minimum travel purchase threshold" and "minimum travel trip threshold" and "travel goal" which can not be found in the applicant's specification or any of the previous claim sets, since

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it would not be clear to one of ordinary skill in the art what a "travel threshold" is, this material is considered by the Examiner to be new matter.

Claims 2-3, 14, 17-18 and 20 depend from claim 1 and are therefore rejected upon the same rationale.

Claims 5-6, 16, 19 and 21 depend from claim 4 and are therefore rejected upon the same rationale.

Claims 11-13, 15 and 22 depend from claim 10 and are therefore rejected upon the same rationale.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 and 10-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In claim 1, the recited term "travel threshold", renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some value related to the travel process, and for purposes of prosecution will be interpreted as such.

7. In claim 4, the recited term "travel threshold", renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some value related to the travel process, and for purposes of prosecution will be interpreted as such.

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8. In claim 10, the recited term “travel threshold”, renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some value related to the travel process, and for purposes of prosecution will be interpreted as such.

9. In claims 20-22, the recited term “minimum travel purchase threshold”, renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some value related to the travel process particularly the minimum purchase value, and for purposes of prosecution will be interpreted as such.

10. In claims 20-22, the recited term “minimum travel trip threshold”, renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some value related to the travel process particularly the minimum trip value, and for purposes of prosecution will be interpreted as such.

11. In claims 20-22, the recited term “travel goal”, renders the claim indefinite. Since this term can not be found in the applicant's specification it is unclear to the Examiner what the meaning of this term is. As best understood this term is some end result related to the travel process, and for purposes of prosecution will be interpreted as such.

12. Claims 2-3, 14, 17-18 and 20 depend from claim 1 and are therefore rejected upon the same rationale.

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13. Claims 5-6, 16, 19 and 21 depend from claim 4 and are therefore rejected upon the same rationale.

14. Claims 11-13, 15 and 22 depend from claim 10 and are therefore rejected upon the same rationale.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1, 4, 10, 13-16 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman et al. (US 2003/0120526) hereafter Altman, in view of Acebo et al. (6,023,679) hereafter Acebo, further in view of Rosenbluth International (WO 02/29672) hereafter Rosenbluth, further in view of DeLorme et al. (5,948,040) hereafter referred to as DeLorme.**

As per claims 1, 4, 10 and 13, Altman discloses a system, method and computer-readable medium for facilitating transactions among travel service suppliers and travel service buyers, the system, method and computer-readable medium comprising:

a technology provider configured to operate independently from travel service suppliers (As best understood by the Examiner technology provider is a system which pulls information from various sources Altman shows this feature in Figure 2

(205)(210)(215), Page 2, paragraph [0033]; discloses that the technology provider is not

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in itself a travel service supplier since it pulls information from various travel service providers not a single one therefore the Examiner asserts that technology provider is configured to operate independently from the travel service suppliers);

a communication network in communication with a plurality of centralized hub sites (Figure 1 (105) (Distributed Computer Network [0050] and Figure 2 (285) (290)), **and configured to provide access to a plurality of data distribution systems** (booking system (230) [0022] the present invention pulls data for air, car, hotel, train, and other travel products and services from one or more data sources, including global distribution system (GDS) sources, public Web sites (e.g. an individual airline's Web site, an individual hotel's Web site), travel aggregation public Web sites (e.g. Web sites that allow the public to search and book hotels, flights, car rentals), private direct connections to vendors and other sources [0057][0059] the booking system combines data from multiple sources (GDS and non-GDS)), **a travel broker database embodied in a first data store** (([0034] All travel information (e.g. air, car, and hotel segments) for that trip is stored in one trip record, regardless of where the trip was originally booked. (E.g. if a traveler buys a plane ticket from the travel aggregation public Web site, a public Web site, a car from a GDS, all of this information will be displayed in one trip record.) The trip record enables a traveler, manager, or other user to view all information for a trip regardless of the data source. The traveler can also be emailed a notification prior to the trip start indicating changes, upgrades, cancellations, and the cancellation policy. In addition, the information captured (e.g. booking source, confirmation codes, contract information) interfaces with multiple other systems, can be

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viewed by the agent (e.g. while the user is attempting to book a ticket), and enables the agent to provide an enhanced level of service by providing access to the following information: identification information (e.g. name, phone number, email); current travel request (e.g. the plane ticket the user has selected, plane ticket options displayed to the user); current availability; full trip itinerary and record; requests for a trip in progress; past travel history (even when that history has expired from a GDS); the traveler's profile, the traveler's travel policy; and information enabling the agent to finalize booking. The agent can also search for the user's record by restricting the search to only those users who are currently logged into the system. In addition, the traveler's profile is also constantly updated with the multiple data sources; [0036] In another embodiment, the present invention provides a system and method for managing booking of travel products and services, comprising: receiving request criteria; retrieving at least one option that relates to the request criteria by searching multiple data sources Figure 2 (230) and (280)), **a travel history database embodied in a second data store** (Figure 2 (225) and [0034] past travel history, the traveler's profile [0058]), **and a point of service terminal through the plurality of hub sites via a technology provider** (As best understood by the Examiner technology provider is a system which pulls information from various sources Altman shows this feature in Figure 2 (205)(210)(215)), **wherein the plurality of data distribution systems are connected to a plurality of travel vendor databases** (Figure 2 (291)(292)(293) and (294) [0033] [0057] [0059]).

wherein the travel history database is configured to store past travel information derived from a plurality of travelers and negotiated contractual terms from a travel service supplier, wherein the negotiated contractual terms relate to travel use comprising a travel threshold (Page 2, paragraph [0034], page 5, paragraphs [0070] and [0076]; discloses that the system stores historical information including past travel information from a plurality of travelers and negotiated contractual terms such as volume contracts with particular carriers these contractual terms are related to a travel threshold since they are based on volume which is considered to be a threshold).

providing a point of service terminal with access to the broker database and the travel history database and at least one of the plurality of data distribution systems through the communication network (Figure 2 (205) and (210));

wherein the point of service terminal is configured to route, via the technology provider, a travel request to at least one of the plurality of data distribution systems based upon a comparison of the past travel information and the negotiated contractual terms such that the fulfillment of the travel request complies with the negotiated contractual terms (Page 4, paragraph [0056]; discloses that the users can access the system and that the technology provider or travel system to submit requests to data distribution systems. Page 2, paragraph [0034], Page 5, paragraph [0070] and [0076]; disclose that the user's preferences are stored in the system and that these preferences are used to conduct searches and submit requests and that the negotiated terms are check for compliance before the reservation is allowed to go through).

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wherein the travel service buyers, the travel service suppliers, and the point of service terminal access the travel broker database, the travel history database, and the selected one of the plurality of data distribution systems via the technology provider through the communication network (Page 4, paragraph [0056]; discloses that the buyers and sellers can all access the system which as described above discloses a travel broker database, a travel history database and a plurality of data distribution systems and all of this is done through the technology provider or travel system through the communication network).

Altman discloses presenting information pulled from multiple data sources in one user-friendly format [0031]. Altman discloses an invention that pulls data for air, car, hotel, train and other travel products and services from one or more data sources, including global distribution system (GDS) sources, public Web sites (e.g. an individual airline's Web site, an individual hotel's Web site), travel aggregation public Web sites private direct connection to vendors, and other sources. Altman discloses that regardless of the data source, the pulled data is displayed in one format in one display [0033] (The Examiner interprets to mean that Altman receives a plurality of data sets or records in a plurality of formats).

While Altman discloses storing travel history (traveler's profile), Altman does not disclose configuring the database to be accessed by travel service buyers who use information about a traveler's future travel plans, storing the information in the plurality of data sets in a plurality of formats or placing, accepting reverse auction bids on travel service inventory, or configuring the travel broker database to store information about

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travel service inventory, wherein the travel service suppliers post and edit information about travel service inventory, and wherein travel service buyers browse perform queries.

However, Acebo discloses PNR information from the CRS queue is downloaded directly into a record keeping system for modification prior to being entered into the local database. The PNR must be parsed or processed to be placed in the appropriate database format. Acebo discloses relational databases to store data, placing PNR information in the appropriate database format (col. 2, lines 6-10, 21-22, col. 2, lines 58-65) and information formatted into a format compatible (indicating multiple formats) with the locally operated computers (col. 5, lines 25-40). Acebo discloses databases organized into a single table format and travel systems which organize information in a database in a travel transaction format, including air table, ground transportation, and hotel (col. 2, line 66 thru col. 4, line 20). Acebo also discloses computer profiles wherein pre-ticketed data can be monitored (col. 1, lines 8-13 and 40-65) and a system for providing access to current pre-ticketed and pre-invoice reservation information (col. 4, line 63 thru col. 5, line 3) if a ticket is not generated simultaneously, then the information transferred to the locally operated computer system is pre-ticketed booked travel reservation information that can be displayed on the computer, used to generate reports from the computer, downloaded in a database for processing, or combined with previously stored post-ticketed information to generate reports including both types of information.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman the ability to store the various records and data in different formats since reservation information comes from multiple sources, for example, a typical itinerary for one passenger can include three travel transactions, such as an air transaction, hotel transaction, and rental car transaction which must be stored, accessed and displayed.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system of Altman storage of pre-ticketed data taught in Acebo so that passenger records can be accessed for analysis and pre-ticket data can be used to determine the number of people going to the same destination so that a possible group rate may be negotiated.

Rosenbluth teaches a system and method that allows for reverse auctions in the travel industry wherein the travel service suppliers can place bids based on RFPs (page 1, line 13 thru page 2, line 5; page 2, lines 8-17, page 11, line 14 thru page 12, line 6).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman and Acebo the reverse auction taught in Rosenbluth so that corporate buyers and sellers can directly negotiate an agreement by submitting a request for proposal and suppliers submitting bids, thus getting better deals.

The combination of Altman, Acebo and Rosenbluth does not disclose that the travel broker database is configured to store information about travel service inventory wherein suppliers can post and edit the inventory.

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However, DeLorme teaches that input/output (Figure 2 (231)) offers/brokers provider input to and from third party providers of travel information in real time which can be updated (interpreted by the Examiner as post and edit). Provider input can be browsed and queried by consumer (Figure 2). Therefore one would be motivated to incorporate this into the travel broker disclosed in Altman since this enables users to enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc (col. 31, lines 42-51).

It would have been obvious to one of ordinary skill in the art to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo and Rosenbluth, with a database configured to store inventory information that can be posted and edited as taught by DeLorme, for the purpose of enabling users to enjoy more immediate offerings, such as updated information on accommodation availability, special offers for discounts, etc.

Furthermore, the Examiner notes that **claim 1** is directed to an **apparatus**. The applicant appears to be trying to claim the apparatus what it does and the information being stored in the system rather than the actual structure of the apparatus. Specifically the recited limitations of technology provider and contractual requirements adds no new structure to the apparatus as currently claimed.

The fact that the information is travel service inventory or travel history about a traveler's future travel plans is non-functional descriptive data. Further the fact that the travel history database stores past travel information from plurality of travelers and negotiated contractual terms and what the terms relate to is all non-functional

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descriptive data. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed non-functional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; see also *Diamond v. Diehr*, 450 U.S. 175, 191,209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See *In re Lowry*, 32 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate. The Examiner asserts that the data identifying the type of data being stored in a database adds little, if anything, to the claimed structure of the system and thus does not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that “nonfunctional descriptive material” is material “that cannot exhibit any functional interrelationship with the way the steps are preformed”. Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the data identifying the information stored in the database does not

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functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

Moreover, the claim limitation, while directed to a system, reads that wherein the travel broker database is configured to store information about travel service inventory, and to be accessed by the travel service suppliers who post and edit travel service inventory and place reverse auction bids on posted travel service inventory, and to be accessed by the travel service buyers who browse and perform queries on the travel service inventory and accept reverse auction bids.

The intended use of the information stored in a database is given little patentable weight. Moreover, there is no positive recitation of users accessing the database or posting/editing/browsing/querying the information. The fact that the travel suppliers can post and edit the inventory and place reverse auction bids does not affect the structure of the system. The database is still a database.

As for the limitation of wherein the travel history database is configured to store current information about a travel's future travel plans is again non-functional descriptive data. Moreover, the fact that the information is to be accessed by buyers is not a positive recitation of the database being accessed. The fact that the buyers use the information to place orders is also non-functional descriptive data. This language does not change the structure of the system.

As for the reverse auction limitation, the applicant's specification only discloses the following as to that limitation:

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[0042] Referring to FIG. 4, databases 144 provide substantially private, secure, and confidential storage of all travel data including traveler data, corporate client data, and the Market Information Data Tape (MIDT). Databases 144 include traveler market broker database 145, traveler profile database 146, PNR database 148, corporate negotiated programs database 152, and travel history data warehouse 154. **Travel service suppliers 145 may post and edit inventory in the travel market broker database 145.** The posted inventory may include information concerning dates and time, geographic location, quantity, price ranges, amenities, restrictions and other relevant information. **The inventory may be viewed by travel service buyers 135 who may browse and perform queries on the inventory using a user interface 138.**

[0043] Travel service buyers 135 may access traveler history data warehouse 154 to obtain current information on traveler's future travel plans such as volume of travel, destinations, dates, times, carriers, cost, and other travel itinerary details. Travel service buyers 135 may use this information to place orders to suppliers in order to reduce travel cost and get better deals. The orders may include details such as data and time range of travel, geographic location, quantity, price range, required minimum difference between price and the corporate negotiated price, desired amenities, and other trip requirements. **Travel service suppliers 145 may then place bids for the orders in a reverse auction fashion.** The travel service suppliers' bids may be "opaque" such that competitors and current customers cannot see the bid. This will allow suppliers to discretely unload inventory at lower prices than available through their retail channels and without drawing attention from competitors or current customers. The suppliers may not be able to view the responses of their orders that are desired to be acted upon. In addition, a matching function may be provided that determines which previously posted inventory or returned bids satisfy a placed order and returns the result to the travel service buyer for final selection and approval.

Thus, it appears that applicant's invention is directed to a database that allows users to post and edit information, and browse and perform queries on the stored information.

Further more **claim 4** is directed to a **method** and **claim 10** is directed to a **computer-readable medium** carrying out the **method**. The fact that a travel broker database is configured to be accessible by a supplier and buyers is not a positive recitation of a step of the suppliers or buyers accessing the database.

Moreover, there is not positive recitation of suppliers posting and editing information or placing bids. Nor is there a recitation of the buyer browsing, performing queries and accepting bids.

The fact the database is configured to store information about a traveler's future travel plans and that the database is to be accessed by a buyer who uses the information about the plans to place orders is not a positive recitation of the buyer accessing the database or using the information for the placement of orders. Thus, this information is non-functional descriptive data.

As per claim 14, the combination of Altman, Acebo, Rosenbluth, and DeLorme teaches the above-enclosed invention, Rosenbluth further teaches wherein the reverse auction bids are opaque (Page 10, lines 10-11; teach that the user can use an alias to maintain anonymity during the on-line auction process which the Examiner considers to be equivalent to the bids being opaque).

Further the Examiner notes that the bids themselves are considered to be non-functional descriptive material since the claim is directed toward a system and fails to further limit any structure of the claim.

As per claims 15 and 16, the combination of Altman, Acebo, Rosenbluth, and DeLorme teaches the above-enclosed invention, Altman further discloses populating a screen with the traveler's future travel plans (Figure 19A, paragraph [0120]).

As per claim 19, the combination of Altman, Acebo, Rosenbluth, and DeLorme teaches the above-enclosed invention, Altman further discloses purchasing a travel itinerary (Page 8, paragraphs [0116], [0119], [0125], [0131], [0133]; disclose that the

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travel information is stored on the system and paid for by the user and the itinerary is updated upon changes made. The user is charged according to the final costs); and producing a record of that itinerary (Page 8, paragraphs [0118]-[0120]).

Altman fails to explicitly show printing a record of the travel itinerary.

However the Examiner asserts that it is not uniquely challenging or difficult for one having ordinary skill in the art to recognize that there are various methods of receiving a document. One of ordinary skill in the art would have found it obvious to print a document in order to have a hard copy for their records.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo, Rosenbluth, and DeLorme printing of a document for back up or hard copy purposes.

As per claims 20-22, the combination of Altman, Acebo, Rosenbluth, and DeLorme teaches the above-enclosed invention, Altman further discloses wherein the negotiated contractual terms further comprises at least one of a minimum travel purchase threshold, a minimum travel trip threshold or a travel goal (As best understood by the Examiner goal is the end toward which effort is directed or the AIM so a travel goal is any end in the travel process the user wishes to go to. Page 5, paragraph [0070]; discloses the negotiated contractual terms include volume contracts with particular carriers and the user is assured that the search will comply with these contractual agreements so the goal is to use a particular carrier).

Further while Altman discloses a travel goal the concept of what terms make up the negotiated contractual terms is considered non-functional descriptive material since it does not change or alter the steps of the method, the structure of the system or the computer-readable medium in anyway. That is to say the data that makes up the contract does not change any part of the method or structure of the system so it is considered non-functional descriptive material. When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed non-functional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d at 1384-85, 217 USPQ at 403; see also Diamond v. Diehr, 450 U.S. 175, 191,209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See In re Lowry, 32 F.3d 1336. 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. Such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate. The Examiner asserts that the data identifying the terms of a negotiated contract add little, if anything, to the claimed structure of the system and thus does not serve as limitations on the claims to distinguish over the prior art. Any differences related merely

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to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the type of information gathered does not functionally relate to the substrate and thus does not change the steps of the method as claimed. The subjective interpretation of the data does not patentably distinguish the claimed invention.

17. Claims 2-3, 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman, Acebo, Rosenbluth, and DeLorme as applied to claims 1 and 4 above, and further in view of Pratt (US 2001/0049693) hereafter Pratt.

As per claims 2-3, 5-6 and 11-12, Altman discloses databases storing information in a plurality of data sets (records) in a plurality of formats. Altman does not disclose wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset, wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer.

However, Pratt discloses databases storing information in a plurality of data sets in a plurality of formats, [0032] [0041-0042], wherein the plurality of data sets are stored as ungrouped data elements formatted as a block of binary via a fixed memory offset [0032] [0046], wherein the plurality of data sets are annotated for storage with at least one of a header and a trailer [0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel and booking method and system provided by the combination of Altman, Acebo, Rosenbluth, and DeLorme the ability to access and store data in different formats wherein the data sets are stored as BLOPs with offsets as

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taught in Pratt since database maintenance is reduced while storage is optimized and any data type can be stored and retrieved using the method of storing data.

NOTE: The Examiner notes that the applicant's admission in paragraph [0026] of the specification wherein the applicant admits that the data can be stored without regard to common format and that in one exemplary embodiment the applicant's invention, the data set (e.g. BLOB) may be annotated in a standard manner. Applicant admits on page 12 of the remarks submitted on September 5, 2006 that the specific details of how to add a header or trailer to data are well-known in the art.

18. Claim 17 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman, Acebo, Rosenbluth, and DeLorme as applied to claim 1 above, further in view of Russell Straayer: "Overview of Frame Relay" (March 1997) hereafter Straayer.

As per claim 17, the combination of Altman, Acebo, Rosenbluth, and DeLorme teaches the above-enclosed invention, however fails to explicitly disclose wherein the communication network comprises a frame relay network.

Straayer, which talks about Frame Relay, teaches it is old and well known to use a frame relay network configurations to cut down propagation time (Page 2, paragraph 1).

Therefore, from this teaching of Straayer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by the combination of Altman, Acebo, Rosenbluth, and DeLorme, with a

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specific network configuration, Frame Relay, as shown in Straayer, to cut down on propagation time and ultimately speed up the data transfers across long distances.

19. Claim 18 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Altman, Acebo, Rosenbluth, DeLorme, and Straayer as applied to claim 17 above, further in view of Techfest: "Asynchronous Transfer Mode Overview" (August 17, 2000) hereafter Techfest.

As per claim 18, the combination of Altman, Acebo, Rosenbluth, DeLorme and Straayer teaches the above-enclosed invention; however fail to explicitly disclose wherein the communication network comprises an asynchronous transfer mode backbone and multiple redundant data centers.

Techfest, which talks about an overview of Asynchronous Transfer Mode, teaches that is it old and well known to use Asynchronous Transfer Mode or ATM technologies in communications and telecommunications and is chosen because it "offers economically sound "bandwidth on demand" features of packet-switching technology at the high speeds required for today's LAN and WAN networks" (Page 1, paragraph 1)

Therefore, from this teaching of Techfest, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by the combination of Altman, Acebo, Rosenbluth, DeLorme, and Straayer, with the use of Asynchronous Transfer Mode technologies as taught by Techfest, to help meet the demand for fast data transfers across large areas.

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The combination of Altman, Acebo, Rosenbluth, DeLorme, Straayer and Techfest, fails to explicitly disclose multiple redundant data centers.

However, the Examiner asserts it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a redundant system given the meaning of redundant are identified on the online Webopedia as:

(ri-dun'd&nt)(adj.) Used to describe a component of a computer or network system that is used to guard the primary system from failure by acting as a back up system. Redundant components can include both hardware elements of a system – such as disk drives, peripherals, servers, switches, routers – and software elements -- such as operating systems, applications and databases.

Redundancy is the quality of systems or elements of a system that are backed up with secondary resources. For example. “The network has redundancy.”

Thus, a redundant data centers are simply a back up.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a backup into the reservation system provided by Altman, Acebo, Rosenbluth, DeLorme, Straayer and Techfest since it is a standard business practice to backup business information in case of system failures to prevent loses.

Response to Arguments

20. Applicant's arguments filed April 24, 2009 have been fully considered but they are not persuasive.

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21. Applicant's arguments with respect to claims 1-6 and 10-22 have been considered but are moot in view of the new ground(s) of rejection.

22. In response to applicant's argument regarding new amended claims 1, 4, 10, that "The presently claimed invention includes, at least, "wherein the point of service terminal is configured to route, via the technology provider, a travel request to at least one of the plurality of data distribution systems based upon a comparison of the past travel information and the negotiated contractual terms, such that fulfillment of the travel request complies with the negotiated contractual terms,"" and "a technology provider configured to operate independently from travel service suppliers." and "Because the cited references fail to disclose or contemplate, at least these features, Applicant's respectfully request that the rejection of claims 1, 4 and 10 be withdrawn," the Examiner respectfully disagrees and directs the applicant to the above rejection where these new limitations have been addressed..

23. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over Altman, Acebo, Rosenbluth, DeLorme and Pratt.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [8am/4:30pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Dennis Ruhl/

Primary Examiner, Art Unit 3689